

DOI:10.46991/FLSP.2026.26.196

Լուսինե Մնացականյան*
Երևանի պետական համալսարան
Քրիստինա Մկրտչյան†
Երևանի պետական համալսարան

Linguistic Distortions in Legal Documents: A Functional Analysis of Legally Consequential Errors

ABSTRACT

This study examines how grammatical and stylistic deviations in legal translation alter legal meaning, enforceability, and juridical effect. Often dismissed as surface-level inaccuracies, such deviations function as mechanisms of legal distortion. By analyzing modality, negation, syntactic structure, and case marking, this study demonstrates that linguistic features encode legal force and liability. Moreover, drawing on Legal Linguistics and examples from the Civil Code of the Republic of Armenia, the findings emphasize the inseparability of linguistic form and legal function.

Key words: Legal translation, linguistic distortion, grammatical deviations, legal meaning, legal effect, legal liability, Contract language, Civil Code of the Republic of Armenia

* e-mail: l.mnatsakanyan@ysu.am

† e-mail: k.mkrtchyan@ysu.am



Received: 09/06/2026

Revised: 19/06/2026

Accepted: 30/06/2026

This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License. © The Author(s) 2026

ԱՍՓՈՓՈՒՄ
ԼԵԶՎԱԿԱՆ ԱՂԱՎԱԴՈՒՄՆԵՐԸ ԻՐԱՎԱԿԱՆ
ՓԱՍՏԱԹՂԹԵՐՈՒՄ. ԻՐԱՎԱԿԱՆ ՀԵՏԵՎԱՆՔԱՅԻՆ ՄԽԱԼՆԵՐԻ
ՖՈՒՆԿՑԻՈՆԱԼ ՎԵՐԼՈՒԾՈՒԹՅՈՒՆ

Սույն ուսումնասիրությունը քննության է առնում, թե ինչպես են իրավաբանական թարգմանության մեջ առկա քերականական և ոճական սխալները փոխում իրավաբանական տեքստի իմաստն ու իրա-վա-կան ազդեցությունը: Հաճախ դիտարկվելով որպես միայն մակերեսային անճշտություններ՝ այդ սխալները գործում են որպես իրավական խեղաթյուրման մեխանիզմներ: Ուսումնասիրությունը ցույց է տալիս, որ լեզվական առանձնահատկությունները կողավորում են իրավական ուժն ու պատաս-խա-նա-տվույթ-յունը: Ավելին, իրավաբանական լեզվի և Հայաստանի Հանրապետության քաղաքացիական օ-րենսգրքից վերցված օրինակների վրա կատարած հետազոտության արդյունքները ընդգծում են լեզվական ձևի և իրավական գործառույթի անբաժանելի կապը:

Բանալի բառեր: Իրավաբանական թարգմանություն, լեզվական խեղաթյուրում, քերականական սխալներ, իրավական իմաստ, իրավական ազդեցություն, իրավական պատասխանատվություն, պայմանագրային լեզու, Հայաստանի Հանրապետության քաղաքացիական օրենսգիրք

РЕЗЮМЕ
ЛИНГВИСТИЧЕСКИЕ ИСКАЖЕНИЯ В ЮРИДИЧЕСКИХ
ДОКУМЕНТАХ: ФУНКЦИОНАЛЬНЫЙ АНАЛИЗ ЮРИДИЧЕСКИ
ЗНАЧИМЫХ ОШИБОК

Данное исследование рассматривает, каким образом грамматические и стилистические ошибки в юридическом переводе изменяют юридический смысл и правовые последствия текста. Ошибочно воспринимаемые лишь как поверхностные неточности, такие ошибки выступают механизмами правового искажения. Посредством анализа модальности, отрицания, синтаксической структуры и падежного оформления данное исследование демонстрирует, что языковые средства кодируют юридическую силу и правовую ответственность. Кроме того, опираясь на достижения юридической лингвистики и примеры из Гражданского кодекса

Республики Армения, результаты исследования подчеркивают неразрывную связь между языковой формой и юридической функцией.

Ключевые слова: Юридический перевод, лингвистическое искажение, грамматические ошибки, юридический смысл, юридические последствия, юридическая ответственность, язык контрактов, Гражданский кодекс Республики Армения.

Introduction

This study is grounded in the interdisciplinary field of Legal Linguistics, which examines the relationship between linguistic structure and legal interpretation. Legal language is functionally distinct from ordinary language in that grammatical, syntactic, and lexical choices do not merely express meaning but perform normative functions, including the allocation of rights, obligations, and liability. Within this framework, even minor linguistic deviations may affect legal interpretation and enforceability. Accordingly, legal translation is approached not as a word-for-word transfer of meaning, but as a process aimed at preserving legal effect across legal systems. The analysis focuses on English–Armenian legal translation, with particular attention to cases in which structural differences between Common Law and Civil Law systems generate interpretive asymmetry.

The theoretical foundation of the study is based on the functional approach to legal translation developed by Šarčević (1997) and the theory of legal language proposed by Tiersma (1999). Both scholars emphasize that legal equivalence cannot be reduced to lexical correspondence, as legal meaning is embedded in terminology as well as in grammatical and textual structures that determine legal force. Within Legal Linguistics, legal meaning is viewed as structurally encoded rather than merely lexically expressed. A distinction must therefore be made between semantic equivalence

and juridical equivalence, since a translation may preserve lexical meaning while simultaneously altering legal effect. Consequently, grammatical shifts in modality, syntax, or negation may alter enforceability, liability, or procedural interpretation. The study further draws on functional linguistics and discourse analysis, which conceptualize language as a system of social and institutional action. In legal discourse, elements such as modality, syntax, negation, and punctuation contribute directly to the expression of authority, obligation, and scope of legal norms. As a result, translation inaccuracies at the grammatical level may lead to functional shifts in legal interpretation even when lexical meaning appears preserved. Comparative legal analysis is additionally employed to examine discrepancies between Common Law terminology and the Armenian Civil Law tradition. Since many Anglo-American legal concepts lack direct equivalents in Armenian legal discourse, literal translation may produce semantic and doctrinal misalignment. In this regard, the study draws on Armenian legal lexicography, including the work of Ghulyan (2004), which highlights the importance of terminological precision in multilingual legal contexts.

From a methodological perspective, the article adopts a qualitative functional analysis of legal texts. The examples analyzed in this study are drawn from three sources: (1) selected provisions of the Civil Code of the Republic of Armenia (1998, official text), used as the primary legal reference corpus; (2) established legal and lexicographic sources, including legal dictionaries and legal writing manuals, used for terminological and theoretical validation; and (3) a curated dataset of English–Armenian translation examples compiled by the authors from legal translation practice and model contractual materials.

The data selection follows a purposive sampling strategy, focusing on instances where linguistic form has demonstrable potential to alter legal meaning or legal effect. Each example is

evaluated through a comparative legal-linguistic lens, examining discrepancies between source and target legal systems.

The analytical procedure is structured in three stages: (i) identification of linguistic deviation (lexical, syntactic, or morphological), (ii) assessment of its functional impact on legal interpretation, and (iii) classification of the resulting distortion according to its legal consequence (e.g., alteration of obligation, scope of liability, procedural rights, or enforceability). Within this framework, “distortion” is operationally defined as any linguistic deviation that produces a functional shift in legal meaning, legal force, or juridical outcome when transferred across legal systems.

1. Grammatical Determinants of Legal Meaning

Modality and Obligation

In legal English, "shall" traditionally denotes a mandatory obligation. Translating this into the Armenian "կարող է" (may/can) instead of "պարտավոր է" (shall/is obliged to) creates a loss of enforceability.

Source

The Buyer shall pay... Գնորդը կարող է վճարել...
Գնորդը պարտավոր է վճարել... Obligation becomes optional.

The Court shall grant relief... Դատարանը պետք է տրամադրի... Դատարանը կարող է տրամադրել... Rigid obligation replaces discretion.

Syntactic Distortions: The "Negative Any"

English uses the word "any" to broaden scope, especially in negative sentences. Its omission or mistranslation into Armenian is a frequent source of litigation.

"The Seller shall not be liable for any indirect damages."

«Վաճառողը պատասխանատվություն չի կրում անտղղակի վնասների համար» (Omission of "any").

Legal Consequence: Without the word "any" (որևէ), the Armenian text could be interpreted as applying only to some or standard indirect damages, leaving the Seller exposed to liability for specific, non-standard indirect losses.

Passive Constructions and Agency- The omission of the "legal subject" in Armenian passive translations can lead to unclear rights allocation.

“Agreement may be terminated by either party”.

Պայմանագիրը կարող է դադարեցվել (Unclear who has the power).

Կողմերից յուրաքանչյուրը կարող է դադարեցնել պայմանագիրը (Preserves agency).

Grammar-Based Errors (Syntactic & Morphological Distortion)

Misuse of Articles (a / the) “the contract” → “a contract” “the parties” → “parties”. English articles encode specificity and legal identity

Number Errors (Singular vs Plural) “damages” → “damage” “proceedings” → “procedure”

Destroys technical meanings: damages ≠ physical damage, proceedings ≠ method

Distortion: Legal remedies and processes are mischaracterized.

Tense Errors Affecting Legal Effect (Present perfect → past simple, Future perfect → simple future) can: shift the temporal scope of obligations and affect retroactivity.

Time-bound rights and duties are altered.

Conditional Structures Flattened

- “If... then...” → declarative sentence
- Loss of contingency. Distortion: Conditional obligations appear absolute.
- Relative clauses reordered restrictive vs non-restrictive clauses merged.

Example: “The goods, which are defective...” vs “The goods that are defective”...

Distortion: Scope of application changes

2. Terminological Distortions in Legal Translation

Certain Common Law terms lack direct equivalents in the Armenian Civil Law system. A literal translation often results in "doctrinal nonsense."

"Equitable remedies": "Արդարացի միջոցներ" (Literal "fair means").

Improved: "Իրավունքի արդարության սկզբունքների վրա հիմնված պաշտպանության միջոցներ" (Measures based on principles of equity).

"Executed" "Կատարվում է" (Performed/carried out).

"Կնքվում է" (Signed/entered into force).

	Distorted Armenian Translation	Actual Legal Intent
Service of Process	Գործընթացի սպասարկում (Technical service)	Ծանուցում (Official notification of legal action)
Trustee	Հոգաբարձու	(Guardian/Tutor)
	Հավատարմագրային կառավարիչ (Fiduciary manager)	
Indemnity	Երաշխիք (Guarantee)	Վնասի հատուցում (Compensation for loss/harm)

In English, to "prosecute" a claim can simply mean to follow through with a legal proceeding (civil or criminal). In professional Armenian legal lexicography (notably the works of A. Ghulyan), a distinction is strictly made between the broad English meaning and the narrow Armenian application.

Translating "to prosecute a claim" as քրեական հետապնդում իրականացնել (to carry out criminal prosecution).

The Academic Analysis: Scholars point out that in the English Black's Law Dictionary, prosecute means "to commence and carry out a legal action." In the Armenian Civil Procedure Code, however, the word հետապնդում (pursuit/prosecution) is almost exclusively reserved for the Criminal Procedure Code.

Using the criminal term in a civil context violates the Principle of Legal Certainty. It misleads the Armenian legal practitioner into looking for a "corpus delicti" (body of crime) where there is only a breach of contract. Accordingly, when international standards are translated into Armenian, a single distorted word can fundamentally alter the state's obligations or an individual's protections.

The Distortion of "Arbitrary": (Կամայական)

In English human rights law, "Arbitrary arrest" refers to an arrest that is not only illegal but also unreasonable, unnecessary, or lacking in proportionality.

The term is frequently translated into Armenian as կամայական. In common Armenian usage, կամայական often carries the connotation of "random" or "at will."

If a legal practitioner interprets "arbitrary" only as "random," they might argue that as long as a procedure was followed (even an unfair one), the arrest wasn't "arbitrary." This strips away the layer of substantive justice—the idea that even a "legal" act can be arbitrary if it is fundamentally unfair.

Scholars therefore suggest emphasizing հայեցողական (discretionary) in contexts of power abuse or using descriptive phrases that capture the lack of necessity and proportionality.

"Degrading Treatment" (Նվաստացնող)

Under Article 3 of the European Convention on Human Rights (ECHR), there is a distinction between "Torture," "Inhuman Treatment," and "Degrading Treatment."

The Distortion: "Degrading" is translated as նվաստացնող, which in Armenian strongly implies a blow to one's dignity or "humiliation."

While "humiliation" is part of it, the English legal standard for "degrading" also includes treatment that arouses feelings of fear, anguish, or inferiority. If the Armenian interpretation focuses purely on the social aspect of humiliation, it might overlook the psychological threshold required by the ECHR.

Training for Armenian judges often emphasizes the Case Law of the ECHR, where the term is expanded beyond the literal Armenian dictionary definition to include specific psychological impacts.

The "Fair Trial" (Արդար դատաքննություն)

This is perhaps the most pervasive example in Armenian legal discourse.

The "Right to a Fair Trial" is rendered as արդար դատաքննության իրավունք. In Armenian 'Դատաքննություն' often refers specifically to the trial phase (the hearing).

Whereas, the English concept of "Trial" in this context covers the entire legal proceeding, including pre-trial motions and the investigative phase. By using a term that linguistically "shrinks" the scope to just the courtroom hearing, the protection of the individual is distorted and narrowed. Legal scholars push for the use of դատական քննություն or վարույթ (proceedings) to ensure the entire process is covered by the "fairness" requirement.

In legal English, synonyms are rarely interchangeable. Using a general synonym for a technical term can alter the standard of proof or the nature of an obligation.

"Evidence" (սպացույց) vs. "Proof" (սպացուցում)

In Common Law, "evidence" is the material presented to the court, while "proof" is the result of that evidence (the conviction of the mind). Translating both as սպացույց in Armenian can lead to a 'Fatal' Wrong where a contract party believes they only need to show a document, rather than satisfy a specific legal burden.

"Terminate" vs. "Rescind"

Termination ends a contract moving forward; Rescission unbinds the parties as if the contract never existed. Translating both as լուծել (to solve/terminate) without specifying the retroactive effect (ի սկզբանե) can result in a party unintentionally losing the right to claim restitution for past performance.

Accordingly, the study supports the view that legal translation should be approached not as a purely linguistic operation, but as a functionally and institutionally sensitive legal act requiring comparative legal knowledge, terminological precision, and awareness of interpretive consequences.

3. Punctuation and Interpretive Ambiguity

It should be noted that Interpretation depends on punctuation context. In legal discourse, commas function not merely as grammatical markers but as semantic and interpretive devices capable of producing linguistic distortion, ambiguity, and conflicting judicial interpretations.

Ambiguity Created by Commas

Here are examples of syntactic ambiguity and punctuation-based semantic distortion.

“The defendant, said the witness, was lying.” vs. “The defendant said the witness was lying.”

In the first sentence, the witness claims the defendant lied.

In the second sentence, the defendant claims the witness lied.

The commas completely change: the speaker, the subject of accusation, and evidential interpretation.

The classical Russian example “Казнить нельзя помиловать” demonstrates how punctuation may entirely reverse legal meaning. The placement of a comma transforms the sentence from an order of execution into an act of pardon, illustrating the interpretive power of punctuation in legal discourse.

Казнить, нельзя помиловать. (“Execute, [one] cannot pardon.”) Meaning: the person must be executed.

Казнить нельзя, помиловать. (V.Vinogradov) (“Execution is impossible, pardon [him].”) Meaning: the person should be pardoned.

“Those who vote only infrequently are satisfied with their representation”.

“Those who vote, only infrequently are satisfied with their representation”. (Johnson, 1991:45)

“He emptied the safe carefully, leaving the room”. “He emptied the safe, carefully leaving the room”. (Johnson, 1991:14)

Խոսել չի կարելի, լռել չի:- It is forbidden to speak. Խոսել լ, չի կարելի լռել:- Here one implies quite the contrary.

These examples demonstrate the interpretive interaction between punctuation, syntax, and implied intonation.

Restrictive vs. Nonrestrictive Clauses

“The employees who were late were fined.” vs “The employees, who were late, were fined.”

Linguistic Effect: Without commas → only late employees were fined. With commas → all employees were late and fined. In legal drafting, this distinction can alter:

- contractual scope
- class membership
- or liability

Conclusion

The study has demonstrated that grammatical, syntactic, and terminological distortions in legal translation extend far beyond ordinary linguistic inaccuracies. Such deviations may substantially influence legal interpretation, the allocation of rights and obligations, procedural fairness, and the enforceability of legal norms. Through the analysis of modality, negation, punctuation, conditional structures, syntactic ambiguity, and terminological equivalence, the research confirms that legal meaning is constructed not only through vocabulary, but also through grammatical organization and pragmatic function.

Ultimately, the study supports the view that legal translation cannot be reduced to lexical substitution or formal linguistic equivalence. Because legal systems encode authority, obligation, and procedural meaning through grammatical and structural mechanisms, accurate legal translation requires both linguistic competence and comparative legal expertise. In multilingual legal environments, preserving legal effect depends on the precise interaction between language, legal doctrine, and institutional interpretation. Consequently, legal translation should be regarded not merely as a linguistic activity, but as a form of juridically consequential interpretive practice.

References

1. Bandler, R., & Grinder, J. (1975). *The Structure of Magic I: A Book About Language and Therapy*. Palo Alto, CA: Science and Behavior Books.
 2. Garner, B. A. (2013). *Legal writing in plain English* (2nd ed.). University of Chicago Press.
 3. Gasparyan, S. (2012). *English for Law Professionals*. Yerevan: University Press
 4. Ghulyan, A. (2004). *English-Armenian Legal Dictionary*. Yerevan: Noyan Tapan.
 5. Johnson D. (1991) *Handbook of Good English* , Pocket Books
 6. Khachatryan, G. (2015). *Problems of Translation of International Legal Documents into Armenian*.
 7. O'Connor v. Oakhurst Dairy (2017) *The Serial (Oxford) Comma Problem*
 8. Schroth, P. W. (1986). Legal translation. *The American Journal of Comparative Law*, 34 (suppl_1), 47–65. <https://doi.org/10.1093/ajcl/34.suppl1.47>
 9. Šarčević, S. (1997). *New approach to legal translation*. Kluwer Law International.
 10. Tiersma, P. M. (1999). *Legal language*. University of Chicago Press.
- Civil Code of the Republic of Armenia** (1998).
1. Civil Code of the Republic of Armenia, Article 345
 2. Civil Code of the Republic of Armenia, Article 417
 3. Civil Code of the Republic of Armenia, Article 517
- Wong, K.** (2012). A matter of competence: Lawyers, courts, and failing to translate linguistic and cultural differences. *Southern California Review of Law and Social Justice*, 21(Spring). <https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/volume21/Spring2012/4.Wong.pdf>